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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/680,806	10/07/2003	John R. Walker	P0057US10

29490

GENOMICS INSTITUTE OF THE  
 NOVARTIS RESEARCH FOUNDATION  
 10675 JOHN JAY HOPKINS DRIVE, SUITE E225  
 SAN DIEGO, CA 92121-1127

CONFIRMATION NO. 4804

FORMALITIES LETTER



\*OC000000013870505\*

Response: Nov. 23, 2004

Date Mailed: 09/23/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$216 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$86
  - \$86 for 4 independent claims over 3.

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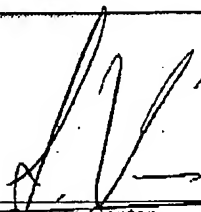
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02 FC:1051 130.00 DA

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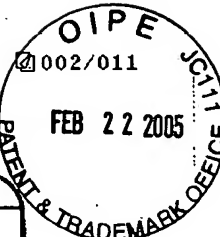


*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/680,805

Filing Date

10/06/2003

First Named Inventor

John R. Walker

Art Unit

1646

Examiner Name

Attorney Docket Number

P1057US10

## ENCLOSURES (check all that apply).

☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☒ Reply to Missing Parts/  
Incomplete Application☒ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s)  
(please identify below):

1. Form PTO/SB/21 Transmittal Form (1 pg.);
2. Form PTO/SB/17 Fee Transmittal FY 2005 (Form PTO/SB/17) (1 pg. + 1 pg. copy);
3. Three executed Forms PTO/SB/01A (3 pgs.);
4. Copy of Initial ADS (4 pgs.);
5. Copy of Notice to File Missing Parts mailed 09/23/04 (2 pgs.); and
6. Fax Cover Sheet with Certificate of Transmission under 37 CFR 1.8 (1 pg.).

## Remarks

A three-month extension of time to reply to the Notice to File Missing Parts mailed on September 23, 2004 is respectfully requested.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

Genomics Institute of the Novartis Research Foundation

Signature

Printed Name

Timothy L. Smith, Ph.D.

Date

February 22, 2005

Reg.  
No.

35,367

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the US PTO at facsimile No.: 703-746-4060 on the date shown below.

Signature

Typed or printed name

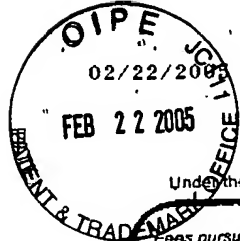
Jill R. Clarke

Date

February 22, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form to the USPTO, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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GNF

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008, OMB 0551-0032  
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<b>FEE TRANSMITTAL for FY 2005</b>		<b>Complete If Known</b>	
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Application Number	10/680,608
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	10/07/2003
		First Named Inventor	John R. Walker
		Examiner Name	
		Art Unit	1848
		Attorney Docket No.	P1057US10
TOTAL AMOUNT OF PAYMENT	(\$)	1,050	

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 50-1885 Deposit Account Name: Genomics Institute of the Novartis Research Foundation
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments
- Under 37 CFR 1.16 and 1.17
- WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 30 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____	x _____	= _____	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP = _____	x _____	= _____	_____

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	_____

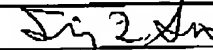
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Three Month Extension of Time (\$1,020) + Filing Surcharge (\$130)

\$1,150

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	35,367	Telephone	858-812-1547
Name (Print/Type)	Timothy L. Smith, Ph.D.	Date	February 22, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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PAGE 3/11 \* RCVD AT 2/22/2005 9:29:15 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-2/0 \* DNIS:7464060 \* CSID:8588121909 \* DURATION (mm:ss):03:38

GNF Docket No.: P1057US10  
Confirmation No.: 4804

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**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence for U.S. Patent Application No. 10/680,806 filed October 6, 2003 in re John R. Walker, et al. is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number (703) 746-4060 on February 22, 2005.

Date

Signature

Jill R. Clarke

Typed or printed name of person signing Certificate

Customer No. 29490  
Genomics Institute of the Novartis Research Foundation  
Telephone: 858-812-1855  
Fax: 858-812-1981

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

**Attachments:**

1. Form PTO/SB/21 Transmittal Form (1 pg.);
2. Form PTO/SB/17 Fee Transmittal FY 2005 (Form PTO/SB/17) (1 pg. + 1 pg. copy);
3. Three executed Forms PTO/SB/01A (3 pgs.);
4. Copy of Initial ADS (4 pgs.);
5. Copy of Notice to File Missing Parts mailed 10/18/04 (2 pgs.);
6. Fax Cover Sheet with Certificate of Transmission under 37 CFR 1.8 (1 pg.).

Total pages (including this paper): 13

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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